THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.24084 of 2001

ORAL ORDER:

This writ petition is filed seeking a Mandamus declaring the action of the first respondent in not receiving claim petition filed pursuant to Auction notice published in Eenadu daily dated 13.11.2001 in E.P.No.111/01/H in A.R.C.No.1/2000(HOU) as arbitrary and illegal.

It appears, one Ruthamma obtained a loan of Rs.3,00,000/- from the petitioner Bank on 30.7.1999 and fourth respondent deposited the title deeds with the petitioner Bank on 2.8.1999 as security. While that being so, third respondent seems to have obtained a decree in A.R.C.No.1 of 2000 (HOU) and pursuant to the same, execution proceedings were initiated vide E.P.No.111/01/H and sale notification dated 5.11.2001 was published proposing to auction the property of fourth respondent on 22.11.2001. Therefore, the petitioner bank filed a claim petition under Rule 52 21(a) of the A.P. Cooperative Societies Rules. The complaint of the petitioner is that the Sale Officer did not entertain the said claim petition. Hence the writ petition.

This Court, while ordering notice before admission on 21.11.2001, passed interim order directing that auction, which is scheduled to be held on 22.11.2001, may go on, but the sale proceeds shall not be appropriated to the credit of E.P.No.111/01/H in A.R.C.No.1/2000(HOU) and the same should be kept under suspense account by the first respondent until further orders.

The learned counsel for petitioner however asserts that in spite of such an order, sale as contemplated on 22.11.2001 did not take place.

In view of the above, without expressing any opinion in the matter, the petitioner is directed to re-submit the claim petition purported to have been filed before the Sale Officer within a period of two weeks

from the date of receipt of a copy of this order and the Sale Officer shall entertain and dispose of the same as per law within a period of four weeks from the date of receipt of such claim petition from the petitioner, Till the disposal of the claim petition, status quo as on today as to the property in dispute shall continue.

The writ petition is accordingly disposed of. No order as to costs.

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C.V.RAMULU, J

Date: 29.12.2006

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W.P.No.24084 of 2001

29.12.2006

IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH AT HYDERABAD

THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.24084 of 2001

Date: 29th December, 2006

Between:

A.P. Vardhaman Mahila Cooperative Urban Bank Ltd., rep.by its Chief Executive Officer.

.. Petitioner

And

Cooperative Sub-Registrar/Sale Officer, A.P. State Cooperative Bank Ltd., Troop Bazar, Hyderabad & others.

.. Respondents